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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,897	09/11/2006	Margarete Schymura	5531-2PUS	2082
27799 7590 11/02/2007 COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EXAMINER KIM, SHIN H	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 11/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/580,897

Applicant(s)

SCHYMURA, MARGARETE

Examiner

Shin Kim

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/26/2006</u>  | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 21 objected to because of the following informalities: The dependency on claim 18 is inconsistent with the claim structure. Claims 1-19 are apparatus claims whereas claims 20-22 are method claims. It is not proper for a method claim to be dependent on an apparatus claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8,-10, 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein Arne Fossum U.S. Patent 6,742,294 (Fossum) in view of Sidney Moseson U.S. Patent 1,649,415 (Moseson).

1. Regarding claim 1 and 20, Fossum discloses a frame element (Figure 1 Element 1) for retaining a planar picture element (Figure 1 Element 6) against the front surface of a backing plate (Figure 5, Element 30). Fossum continues to disclose a backing plate (Figure 5 Element 30) having a front surface (Figure 6 left surface of element indicated as 30) and a rear surface (Figure 6 right surface of element indicated as 30), the backing plate is made of a material and having a thickness, the material and the thickness being chosen so that the backing plate may be plastically deformed about a bending axis (Figure 6a-6c). Fossum does

not directly disclose the backing plate to have a plurality of parallel grooves in one of the surfaces. Moseson discloses a frame comprising a backing plate (Figure 3 Element 16) having a plurality of parallel grooves in one of the surfaces.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fossom as taught by Moseson to include Moseson's grooved backing plate. Such a modification would provide an improved means to hold the planar picture element in place.

Fossom in view of Moseson discloses a pair of tack elements extending from the rear surface of the backing plate (Figure 7 Element 34). Fossom in view of Moseson does not directly disclose Fossom's tack elements to extend from a line that is substantially parallel to the Moseson's grooves. However, it would be an obvious modification to alter the position and orientation of the two elements to arrange them in a manner that will be of a parallel relationship. Such a modification would provide a means to orient the two elements with respect to each other.

2. Regarding claim 2, Fossom in view of Moseson discloses a picture frame assembly wherein the grooves are in the front surface (Figure 3 Element 16).

3. Regarding claim 3, Fossom in view of Moseson discloses a picture frame assembly wherein the backing plate has lateral edges parallel to the grooves (Figure 7 edges of elements 37 and 38). The backing plate is bent along a pair

of grooves adjacent to each said lateral edge to form a pair of frame elements (Figure 7), wherein each said lateral edge faces the front surface to retain the planar picture element between the lateral edge and the front surface (shown in Figure 7d).

4. Regarding claim 4, Fossom in view of Moseson discloses a picture frame assembly wherein the frame element has at lease one end formed with a retaining tab (Figure 7b Element 4 and 5) to prevent the planar picture element from sliding parallel to the grooves.

5. Regarding claim 5, Fossom in view of Moseson discloses a picture frame assembly comprising a backing including a plurality of parallel grooves and a framing element that has a retaining tab. Fossom in view of Moseson does not directly disclose the tab to be triangular in shape. Fossom discloses a tab that is U-shaped. Applicant fails to disclose the criticality of the triangular shape variation. Shape modification is well known in the art. Such a modification would provide a variation to improve the aesthetics of the display.

6. Regarding claim 8, Fossom in view of Moseson discloses picture frame assembly wherein the tack elements are formed separately and attached the rear surface of the backing plate (Figure 7, Fossom).

7. Regarding claim 9, Fossom in view of Moseson discloses a picture frame assembly wherein the backing plate and the tacks are made of metal (Column 5 Lines 25-35). Fossom in view of Moseson does not directly disclose the means of attaching the tacks onto the backing plate to be one of soldering, brazing, and welding. However these are all well known methods used in the art to attach two metal parts. Such a modification would provide a means of attaching two metal parts.

8. Regarding claim 10, Fossom in view of Moseson discloses a picture frame assembly wherein the tack elements. Fossom in view of Moseson does not directly disclose the tack elements to have different lengths. However dimension modification is well known in the art. Such a modification would provide a means to provide tack elements of different length enabling the frame assembly to be attached to a surface with varying depth.

9. Regarding claim 13 and 14, Fossom discloses a curved transparent frame plate (Figure 7 Element 1) which is received against the front surface of the backing plate (Figure 7 Element 33), the transparent frame plate having lateral edges which are folded to for clips which receive the lateral edges of the backing plate (Figure 7 Element 4 and 5), the transparent frame plate is curved.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein Arne Fossum U.S. Patent 6,742,294 (Fossum) in view of Sidney Moseson U.S. Patent 1,649,415 (Moseson) in view of Thomas Johnson U.S Patent 6,439,520 (Johnson).

1. Regarding claim 6, Fossum in view of Moseson discloses a pair of tack elements extending from the rear surface of the backing plate (Figure 7 Element 34, Fossum). Fossum in view of Moseson does not directly disclose the tack element to be formed along a common bending axis to extend from the rear surface. Johnson discloses a picture frame comprising a pair of tack elements (Figure 1 Element 16) that are formed along a common bending axis (Figure 2 indicated as rotation origin of angle A-B) to extend from the rear surface.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the positioning of Fossum's tack elements in view of Moseson as taught by Johnson to include the coaxial of the bends of the pair of tack elements. Such a modification would provide a means to enhance the aesthetics of the tack elements by synchronizing the rotational movement.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein Arne Fossum U.S. Patent 6,742,294 (Fossum) in view of Sidney Moseson U.S. Patent 1,649,415 (Moseson) in view of Hermann K. Painsith U.S. Pub 2001/0005953 (Painsith).

Art Unit: 3611

1. Regarding claim 7, Fossom in view of Moseson discloses a pair of tack elements extending from the rear surface of the backing plate (Figure 7 Element 34, Fossom). Fossom in view of Moseson does not directly disclose the tack element to be stamped from and formed from apertures in the backing plate. Painsith discloses a baking element (Figure 5 Element 44) comprising tack elements (Figure 5 Element 56) that are stamped from and formed from apertures in the backing plate.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fossom in view of Moseson as taught by Painsith to include Painsith's tack elements. Such a modification would provide a means to simplify the frame assembly by provide tack elements that are integral with the backing.

Claims 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein Arne Fossum U.S. Patent 6,742,294 (Fossum) in view of Sidney Moseson U.S. Patent 1,649,415 (Moseson) in view of Steven D. Bracker et al. U.S. 2003/0196365 (Bracker).

1. Regarding claim 11, 12 and 15, Fossum in view of Moseson discloses a frame element comprising a frame plate (Figure 7 Element 7) which is formed as one piece with the backing plate and joins the backing plate at a fold (Figure 7 Element 37 and 38) which is parallel to the grooves (disclosed in Moseson's plate Element 19) in one of the surface, the frame plate having a front surface



Art Unit: 3611

(Figure 7 left region of element 1, Fossom), a rear surface (Figure 7 right region of element 1, Fossom) the back surface of the frame plate facing the front surface of backing plate to sandwich a planar picture element therebetween (Element 6, Fossom). Fossom in view of Moseson does not directly disclose a plurality of parallel grooves on one of the surfaces of the frame element.

However it has previously been indicated that a parallel groove can be provided on a surface (Moseson, Element 19). Hence, the grooves may be duplicated on a surface of the frame element. Such a modification would provide a means to enhance the appearance of the frame assembly.

Fossom in view of Moseson does not directly disclose an aperture on the frame plate. Bracker discloses a frame plate (Element 22) comprising an aperture for viewing the planar picture element (Element 28).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fossom in view of Moseson as taught by Bracker to include Bracker's aperture. Such a modification would provide a means for directly viewing a planar picture element.

Claims 16-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein Arne Fossum U.S. Patent 6,742,294 (Fossum) in view of Sidney Moseson U.S. Patent 1,649,415 (Moseson) in view of Steven D. Bracker et al. U.S. 2003/0196365 (Bracker) further in view of Painsith.

1. Regarding claim 16, 19 and 21, Fossom discloses a curved frame plate (Figure 6 Element 1) having a first radius of curvature, the frame plate having a front surface, a rear surface. Fossom in view of Moseson does not directly disclose an aperture on the frame plate. Bracker discloses a frame plate (Element 22) comprising an aperture for viewing the planar picture element (Element 28).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fossom in view of Moseson as taught by Bracker to include Bracker's aperture. Such a modification would provide a means for directly viewing a planar picture element.

Fossom in view of Moseson in view of Bracker does not directly disclose a surrounding wall on the rear surface of the frame plate. Painsith discloses a frame plate (Figure 2 Element F) comprised of surrounding wall upstanding from the rear surface of the frame plate for position the picture element (Figure 2 Element 28).

There it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fossom in view of Moseson in view of Bracker as taught by Painsith to include Painsith's surrounding wall. Such a modification would provide a means to secure a display element.

Fossom in view of Moseson in view of Bracker further in view of Painsith discloses the surround wall having an edge remote from the rear surface of the

frame plate, the edge having at least one pair of reagent tabs (Figure 6 Element 4 and 5, Fossom).

2. Regarding claim 17, Fossom in view of Moseson in view of Bracker further in view of Painsith discloses a rear edge, which lies in a cylindrical plane having a second radius of curvature, which is smaller than the first radius of the curvature (Figure 6, Fossom).

3. Regarding claim 18, Fossom in view of Moseson in view of Bracker further in view of Painsith does not directly disclose the frame plate to be an elliptical shape. However shape modification is well known in the art as a design choice. Such a modification would provide a variety of shapes for the frame.

4. Regarding claim 22, Fossom in view of Moseson discloses a frame element (Figure 7 Element 1) that is formed separately from the backing plate (Element 19). It is well known in the art that the backing plate is cut and can be modified to accommodate the dimensions of the frame element to which the backing plate will mate unto. Such a modification would provide a frame assembly wherein the components are of similar dimensions.

### ***Conclusion***

Art Unit: 3611

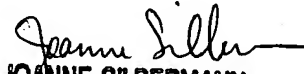
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin Kim whose telephone number is 571-272-7788.

The examiner can normally be reached on (Monday - Friday) (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin Kim  
Patent Examiner

  
**JOANNE SILBERMANN**  
**PRIMARY EXAMINER**